

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

GAVINO BARRERA

Defendant

WAIVER OF RULE 40 HEARINGS
(All Criminal Cases)

JUDGE: Kenneth P. Neiman, U.S.M.J.

CASE NUMBER: 04-MJ-625-KPN

I understand that charges are pending in the District of COLORADO
alleging violation of 21 U.S.C. 841, 846 and that I have been arrested in this district and
(Title and Section / Probation / Supervised Release)
taken before a United States magistrate judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;

-Clarkready-

[x] EXCLUDING PROBATION OR SUPERVISED RELEASE CASES:

- (3) a preliminary examination (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

[] PROBATION OR SUPERVISED RELEASE CASES:

- (3) a preliminary examination (if the violation charged allegedly occurred in this district, and I am held in custody solely on that charge) to determine whether there is probable cause to believe I have violated the terms of my probation/supervised release; and
- (4) a hearing under Rule 46 (c), Fed. R. Crim. P., in which I have the burden of establishing my eligibility for release.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- (x) identity hearing
- () preliminary examination
- () identity hearing and have been informed I have no right to a preliminary examination
- () identity hearing but request a preliminary examination be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Feb 19, 2004

Date

[Signature]
Defendant
[Signature]
Defense Counsel